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1 **ANDERSEN LAW FIRM, LTD.**

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6 *Attorney for Secured Creditor Association of*
7 *Apartment Owners of Ala Wai Mansion*8 **UNITED STATES BANKRUPTCY COURT**9 **DISTRICT OF NEVADA**

11 In re:

12 **THERESA JEAN MOORE and ROBERT**
13 **GAVIN MOORE,**14 **Debtors.**15 Case No.: 14-13791-ABL
16 Chapter 1117 **DECLARATION OF KYLE DRAKE IN**
SUPPORT OF MOTION FOR RELIEF
FROM THE AUTOMATIC STAY

18 Hearing Date: August 6, 2014

19 Hearing Time: 1:30 p.m. Pacific time

20 Courtroom: 1

21 I, Kyle Drake, hereby state as follows under penalty of perjury:

22 1. I am over the age of 18 and mentally competent.

23 2. I make this declaration in support of the *Motion for Relief from the Automatic Stay*
(the "Motion") filed by Association of Apartment Owners of Ala Wai Mansion (the "Association") in
the above-captioned bankruptcy case. Capitalized terms not defined herein are used as defined in the
Motion.24 3. I am the management executive for the Association, by and through my employer
25 Hawaiiana Management Co., which serves as the Association's managing agent.26 4. I have personal knowledge of the facts stated herein, and could and would testify to
27 the same if called upon to do so.ANDERSEN LAW FIRM, LTD.
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1 5. Russell Jack Grisham is the legal owner of certain real property located at 2029 Ala
 2 Wai Boulevard, Unit PH-1, Honolulu, Hawaii 96815 (the "Penthouse").

3 6. The Penthouse is one of several condominium units located in the Ala Wai Mansion
 4 Building, and all condo owners are voting members of the Association. The Association collects a
 5 monthly Maintenance Fee from each condo owner to pay costs associated with common area
 6 maintenance and repair, utilities, and other costs and fees associated with the Ala Wai Mansion
 7 Building.

8 7. Since April of 2008, Grisham has unilaterally decided he does not need to pay
 9 Maintenance Fees, just as he decided he does not need to pay his mortgage.

10 8. Grisham owes the Association approximately \$96,472.56 in Maintenance Fees,
 11 consisting of \$81,761.37 in maintenance fees, \$14,080.30 in legal fees, \$500.00 in late charges, and
 12 \$130.89 in returned check fees.

13 9. Maintenance Fees, including legal fees, continue to accrue, and will continue to do so
 14 until Grisham no longer owns the Penthouse and a new, responsible owner takes over ownership of
 15 the Penthouse.

16 10. The Association has been trying to foreclose on its statutory lien for many years;
 17 however, Grisham and the Debtors have conspired to hinder and delay the Association's legitimate
 18 collection efforts.

19 11. Grisham has filed for bankruptcy numerous times to delay the Association's
 20 foreclosure sales and remain in the Penthouse without paying his fair share of the Maintenance Fees,
 21 a heavy burden that is borne by the Association and by the other owners who must make up the
 22 difference all while Grisham continues to use and enjoy the benefits of ownership without paying for
 23 them.

24 12. The Association's most recent foreclose sale was scheduled for May 29, 2014.

25 13. Unbeknownst to the Association, Grisham had purportedly conveyed a one-half
 26 interest in the Penthouse to Mr. Moore on November 18, 2013.

14. The Debtors filed bankruptcy on May 29, 2014, in Nevada to delay the Association's May 29, 2014 foreclosure sale, and the Association received notice of the Debtors' bankruptcy case only ninety minutes prior to when the foreclosure sale was supposed to take place.

15. I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE
OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on this 30th day of June, 2014.

Kyle Drake
Kyle Drake

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